IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 19990 of 2004(D)

OS.282/2002 OF MUNSIFF COURT, MANJERI

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PETITIONERS:

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1. **V.ABDUL AZEEZ, S/O.ALAVI,**
   VALLANCHIRA HOUSE, N.S.S.COLLEGE P.O.,
   MANJERI- 2.

2. **K.ASHRAF, S/O.ALAVIKUTTY,**
   KORMATH HOUSE, N.S.S.COLLEGE P.O.,
   MANJERI-2.

BY ADV. SRI.THOMAS ANTONY.

RESPONDENTS:

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1. **M.P.FATHIMA, D/O.PUTHIYEDATH MOIDEEN KUTTY,**
   KURIKKAL, N.S.S.COLLEGE P.O.,
   MANJERI-2.

2. **ISHA ATHUL ISLAM TRUST, REPRESENTED**
   BY ITS SECRETARY, MUHAMMED BASHEER @ V.M.BASHEER,
   S/O.MOIDEEN, VALLIENGAL, NEAR MUBARACK
   MASJID, MANJERI.

3. **MANJERI MUNICIPALITY, REPRESENTED**
   BY ITS SECRETARY, MANJERI P.O.

BY ADV. SRI.C.KHALID,
SRI.R.O.MUHAMED SHEMEEM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.19990/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PLAINT IN O.S. NO. 52/2002 PRESENTED BY THE PETITIONERS BEFORE THE HONOURABLEWAKF TRIBUNAL, KOZHIKODE DTD. 29/10/2002.

EXT.P.2; COPY OF THE PLAINT IN O.S. NO. 282/2002 FILED BEFORE THE HONOURABLE MUNSIFF COURT, MANJERI AND THE DOCKET WITH THE ORDER PASSED BY THE MUNSIFF DTD. 02/04/2002 AND ISSUED TO THE PETITIONERS ON 25/06/2004.

EXT.P.3: COPY OF THE ORDER OF THE MUNSIFF OF MANJERI DTD. 2ND APRIL 2004 IN O.S. NO. 282/2002.

EXT.P.4: COPY OF THE REVIEW PETITION I.A. NO. 955/2004 DTD. 6TH APRIL, 2004 FILED BEFORE THE MUNSIFF OF MANJERI IN O.S. NO. 282/2002.

EXT.P.5: COPY OF THE ORDER OF THE MUNSIFF OF MANJERI IN I.A. NO. 955/2004 DTD. 24TH MAY 2004.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 19990 OF 2004

Dated this the 22nd day of June, 2007.

J U D G M E N T

Petitioners are aggrieved by Exhibits P3 and P5 orders passed by the Munsiff Court, Manjeri. On a dispute touching a Wakf property, the Munsiff Court holding that it does not have jurisdiction directed that the plaint should be presented before the Wakf Tribunal. Review was attempted on the ground that parties had not made an endorsement, regarding the jurisdiction. Whether there is endorsement or not, under Section 83 of the Wakf Act, any dispute touching on the Wakf property is to be adjudicated by the Wakf Tribunal.

2. The dispute appears to be that the petitioners had allegedly conceded that the property in dispute is a Wakf property. That according to the petitioners is not correct. Whether they have conceded or not, it is the matter in issue. For adjudication of the dispute by the Tribunal, that finding is vacated.

In case the plaint is presented before the Wakf Tribunal within one month from today, the same shall be treated to have been presented in time.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp